

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION #2016-09

In the Matter of: Adopting Proposed Adoption of District Rule 428, New Source Review Requirements.

Whereas, the Northern Sierra Air Quality Management District (NSAQMD) proposes to adopt Rule 428, New Source Review Requirements as part of a fulfillment of requirements under the Federal Clean Air Act as amended in 1990; and

Whereas, the Environmental Protection Agency has worked with NSAQMD staff and has reviewed the proposed Rule 428 and found it to be federally approvable; and

Whereas, Sections 40001 and 40702 of the California Health and Safety Code (HSC) establish authority for the District to adopt Rules and Regulations as may be necessary to execute the powers and duties granted to, and imposed upon, the District by the HSC and other statutory provisions; and

Whereas, Section 15308 of the CEQA Guidelines provide that actions taken by regulatory agencies as authorized by state law to assure the maintenance, restoration, or enhancement of the environment where the regulatory process involves procedures for protection of the environment, are categorically exempt from CEQA review (Class 8 Categorical Exemption), and

Whereas, said rules have been properly noticed for a 30-day public review period in accordance with HSC sections 40725 and 40726; a public hearing was held on June 8, 2016 in accordance with the information in the public notice; a regulations file is being maintained per HSC Section 40728; and

Whereas, pursuant to the HSC Section 40727, the Board hereby finds that:

- (a) There is a need to adopt these rules; and
- (b) Under state and local law, the Board has the authority to adopt these rules; and
- (c) These rules, as written, can be understood by the persons directly affected by them; and
- (d) These rules are consistent with existing statutes, court decisions, or other state and federal regulations; and
- (e) These rules, as written, do not duplicate the same requirements of an existing state or federal regulation except to the extent that the rule is necessary or proper to execute the powers and duties granted to or imposed upon the District; and
- (f) These rules have appropriate reference to a statute, court decision, or other provision of law that the District implements, interprets, or makes specific by the rule amendment.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Northern Sierra Air Quality Management District Board of Directors that Rule 428 is hereby adopted, as presented in the District's Staff Report, as part of the Northern Sierra Air Quality Management District Rules and Regulations.

On a motion by Supervisor Thrall, and seconded by Supervisor Huebner, the foregoing resolution was approved and adopted by the Board of Directors of the Northern Sierra Air Quality Management District at a regular meeting held on June 27, 2016, by the following roll call vote:

Ayes: Adams - Scofield - Thrall - Swofford - Huebner

Noes: none

Absent: Anderson - Roen

Abstaining: none

Approve: E. Scofield
Chair of Board

Attest: Allison King
Allison King, Clerk of the Board